

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Firs Home Owners Association,

Plaintiff,

v.

City of SeaTac, a Municipal Corporation,

Defendant.

NO. 2:19-cv-01130-RSL

DECLARATION OF QUINN N. PLANT
IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT

Pursuant to 28 U.S.C. § 1746, I, QUINN N. PLANT, state and declare under penalty
of perjury as follows:

1. I am an attorney of record for the defendant in the above-captioned lawsuit.

This declaration is based on my own personal knowledge.

2. Defendant City of SeaTac took a Fed. R. Civ. P. 30(b)(6) deposition of the
plaintiff (herein "plaintiff" or "HOA") by remote means on July 21, 2020. True and correct
excerpts from the transcript of the deposition are attached as Exhibit 1.

DECLARATION OF QUINN N. PLANT
IN SUPPORT OF DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT – 1
NO. 2:19-cv-01130-RSL

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Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

3. Defendant City of SeaTac took a deposition of Helena Benedict by remote means on July 24, 2020. True and correct excerpts from the transcript of the deposition are attached as Exhibit 2, along with a copy of Exhibit 12 from the deposition.

4. Plaintiff took the deposition of defendant City of SeaTac pursuant to Fed. R. Civ. P. 30(b)(6) by remote means on February 5, 2021. Evan Maxim testified on behalf of the City on several subjects. True and correct excerpts from the transcript of Mr. Maxim's testimony on behalf of the City during the Fed. R. Civ. P. 30(b)(6) deposition are attached as Exhibit 3.

5. Plaintiff took the deposition of former City of SeaTac Community Development Director and City Manager Joseph Scorcio by remote means on September 30, 2020. True and correct excerpts from the transcript of Mr. Scorcio's deposition are attached as Exhibit 4.

6. Plaintiff took the deposition of former City of SeaTac Councilmember Kathryn Campbell by remote means on July 23, 2020. True and correct excerpts from the transcript of Ms. Campbell's deposition are attached as Exhibit 5.

7. Plaintiff took the deposition of City of SeaTac Councilmember Pamela Fernald by remote means on September 9, 2020. True and correct excerpts from the transcript of Ms. Fernald's deposition are attached as Exhibit 6.

8. Plaintiff took the deposition of City of SeaTac Mayor Erin Sitterly by remote means on October 8, 2020. True and correct excerpts from the transcript of Mayor Sitterly's deposition are attached as Exhibit 7.

9. Plaintiff took the deposition of former City of SeaTac Councilmember Anthony Anderson by remote means on September 10, 2020. True and correct excerpts from the transcript of Mr. Anderson's deposition are attached as Exhibit 8.

10. Attached hereto are true and correct copies of the following documents:

- Exhibit 9: A certified transcription from an audio recording of the Town Hall Meeting convened by the SeaTac City Council at 6:00 p.m. on October 6, 2016.

- Exhibit 10: A certified transcription from a audio-visual recording of the Study Session convened by the SeaTac City Council at 5:00 p.m. on October 25, 2016. A video of the meeting can be seen at <https://seatac.vod.castus.tv/vod>.

- Exhibit 11: Excerpts of Plaintiff's Response to Defendant's First Interrogatories to Plaintiff, dated November 4, 2019.

- Exhibit 12: Excerpts of 2nd Amended Plaintiff's Response to Defendant's First Interrogatories to Plaintiff, dated March 2, 2020.

- Exhibit 13: Plaintiff's Response to Defendant's Second Interrogatories and Requests for Production. The response is unsigned and undated but was received in this office on January 23, 2020.

11. A true and correct excerpt of Engrossed Substitute Senate Bill 6095, approved by the Governor Jay Inslee with certain exceptions on May 21, 2019, is attached hereto as Exhibit 14.

12. A true and correct excerpt of Substitute House Bill 1102, approved with partial vetoes by Governor Jay Inslee on May 21, 2019, is attached hereto as Exhibit 15.

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3 13. I submitted a public records request to the Washington State Department of
4 Commerce on April 15, 2020, asking for records indicating whether any person or entity
5 applied for the \$2.5 million in funds described in Engrossed Substitute Senate Bill 6095. In
6 an email response dated April 15, 2020, the Washington State Department of Commerce
7 reported that it did not receive any applications to purchase the Firs Mobile Home Park.
8 However, "an application was received from Forterra NW in collaboration with El Centro de
9 la Raza" for the allocation in Substitute House Bill 1102. A true and correct copy of my
10 request and the email response from the Washington State Department of Commerce is
11 attached hereto as Exhibit 16. I have highlighted the portion of the email referenced in the
12 City's summary judgment memorandum.
13

14 14. This office served a subpoena on Forterra NW. True and correct copies of a
15 declaration of the records custodian of Forterra NW along with two documents produced by
16 Forterra NW in response to the subpoena are attached hereto as Exhibit 17.
17

18 15. Attached hereto as Exhibit 18 are email communications produced by
19 plaintiff in discovery. The emails are dated from January and February 2018. Helena
20 Benedict authenticated the January 24, 2018, email from Henry Lippek during her
21 deposition at page 60, line 2.
22

23 16. Attached hereto as Exhibit 19 is an email communication from the attorney
24 representing Fife Motel in the LUPA action, Walt Olsen, to attorneys representing the HOA
25 and the City, dated February 12, 2018. This email was produced by plaintiff in discovery.
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28 DECLARATION OF QUINN N. PLANT
29 IN SUPPORT OF DEFENDANT'S MOTION
30 FOR SUMMARY JUDGMENT – 4
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17. Attached hereto as Exhibit 20 is an email communication from the HOA's attorney in the LUPA action, Hank Lippek, dated February 22, 2018. This email was produced by plaintiff in discovery. I have highlighted the pertinent sentence of this email.

18. Attached as Exhibit 21 is a true and correct copy of a complaint filed by residents of the Firs Mobile Home Park against Fife Motel, Inc., on March 13, 2018, in King County Superior Court Case No. 18-2-06771-5 SEA.

19. Attached as Exhibit 22 is a true and correct copy of a second amended complaint for damages filed by residents of the Firs Mobile Home Park against Fife Motel, Inc., on August 9, 2018, in King County Superior Court Case No. 18-2-06771-5 SEA.

20. Attached as Exhibit 23 is a true and correct copy of a notice of settlement filed on May 7, 2019, in King County Superior Court Case No. 18-2-06771-5 SEA.

21. Attached hereto as Exhibit 24 is a true and correct copy of a settlement agreement entered into between the Crisanto Medina, the HOA and Fife Motel, Inc. This document was produced by the HOA in discovery.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing declaration is true and correct.

DATED THIS 4th day of March, 2021, at Yakima, Washington.

/s/ Quinn N. Plant
QUINN N. PLANT

DECLARATION OF QUINN N. PLANT
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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2021, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

V. Omar Barraza	omar@barrazalaw.com
Christina L. Henry	chenry@hdm-legal.com
Mary E. Mirante Bartolo	mmbartolo@seatacwa.gov
Mark S. Johnsen	mjohnsen@seatacwa.gov
Brendan W. Donckers	bdonckers@bjtlegal.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/ QUINN N. PLANT
WSBA #31339
Menke Jackson Beyer, LLP
Attorneys for Defendant
807 North 39th Avenue
Yakima, Washington 98902
Telephone: (509) 575-0313
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DECLARATION OF QUINN N. PLANT
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